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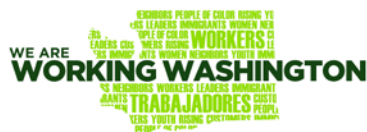
# WORKER CENTERS

## A Primer

# Worker Centers: A Primer

## WHAT ARE WORKER CENTERS?

Worker centers are labor organizations, often supported and funded by unions<sup>1</sup> and foundations,<sup>2</sup> that aim to organize and cultivate workers who are not yet members of traditional unions. These are generally workers that unions hope to organize, such as employees of big box retailers<sup>3</sup> and fast food franchises,<sup>4</sup> and workers who can't normally be organized because of federal labor law (such as agricultural workers<sup>5</sup>). Independent contractors<sup>6</sup> are also a target as worker centers push to redefine them as employees so they too can be organized by traditional unions. The AFL-CIO has a formal partnership program to bring worker centers under their umbrella.<sup>7</sup>



## TACTICS:

Worker centers employ a variety of tactics that are a cross between traditional union organizing and political activism. Or as Congressman Francis Rooney<sup>8</sup> (R, FL-19) describes it: “Classifying a group as a ‘worker center,’ rather than a union, allows Big Labor to exploit a legal loophole and victimize workers by evading the rules that unions must follow to ensure accountability and transparency and protect workers from union abuses.”

- **Corporate campaigns and neutrality agreements:**

Corporate campaigns are sophisticated public relations campaigns targeted to drive away business from a company, go after the officers of the company personally, and generate negative public pressure against a business.<sup>9</sup> Campaigns also include political pressure through regulatory or legislative action to impose fines or block companies from opening new stores.

Worker centers will often employ union tactics such as corporate campaigns to force a company into signing a neutrality agreement with a union.<sup>10</sup> Neutrality agreements often include provisions such as a gag order on the employer so they cannot talk to their employees about unionization and a requirement that the employer share their employee contact lists containing personal information such as home addresses, cell phones, and emails.

The main part of a neutrality agreement is having the employer agree to deny their employees a private ballot vote in deciding if they want to be represented by the union. Instead, the union will be able to organize the employees through an open petition process called a card check election. When the union gets cards signed from a majority of the employees, the company will recognize the union and start negotiating. Card check campaigns can lead to intimidation, coercion, and deception of employees but make organizing easier for the union.<sup>11</sup>

- **Wildcat strikes and walkouts:**

A wildcat strike is when workers walk off the job without going through traditional union channels and sometimes in violations of a collective bargaining agreement. Wildcat strikes and walkouts, many with ties to worker centers hoping to organize gig economy workers, have been increasing especially during the COVID-19 pandemic.<sup>12</sup>

- **Political pushes:**

Most recently California passed Assembly Bill 5,<sup>13</sup> which rewrote the legal definition of an employee, attempting to make gig workers, freelancers, and independent contractors subject to the same restrictions as employees. Besides opening up both job creators and independent contractors to more liability and requirements, it also would allow unions to organize these entrepreneurs (now employees) in the traditional manner.<sup>14</sup> AB 5 has had a devastating effect on gig workers, freelancers, and independent contractors in California with many of these entrepreneurs losing contracts as business worried about running afoul of the law.<sup>15</sup>

Worker Centers are also one of the main backers behind the political push to increase the minimum wage to \$15 per hour— sometimes through shareholder activism by pressuring corporate boards to raise their minimum wage to at least \$15 per hour.<sup>16</sup> The push to raise the minimum wage to \$15 may be tied to making it easier to unionize fast food and other entry level workers. Some of the passed pieces of legislation that increased the minimum wage to \$15 per hour explicitly exempt unionized companies further helping with organizing.<sup>17</sup>

## EXAMPLES OF WORKER CENTERS:

A 2018 letter from then Education and Workforce Committee Chairwoman Rep. Virginia Foxx and Rep. Tim Walberg to the U.S. Department of Labor called worker centers “opaquely financed, union-backed organizations” that some members of the committee view as “front groups controlled by big labor special interests [operating] outside of the legal requirements” of federal labor transparency laws.<sup>18</sup>

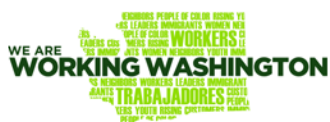
A U.S. Chamber Study<sup>19</sup> described worker centers in the following context: “A worker center may serve as a front group for a traditional labor union, or it may be independent. Likewise, it may or may not coordinate its activities with a labor union or other organization. Inasmuch as worker centers serve as agents for traditional labor unions, they essentially exist to execute strategies that unions cannot perform as effectively—if at all—given the statutory restrictions imposed on their organizing tactics.”

Below are some examples of worker centers:



### Our Walmart

OUR Walmart which has strong ties to the United Food and Commercial Workers<sup>20</sup> union attempts to organize Walmart employees through a corporate campaign against the retailer. Besides attacking Walmart’s reputation, the campaign includes protests on Black Friday, intermittent strikes which were deemed illegal in 2019,<sup>21</sup> political pressure at a federal<sup>22</sup> and local level,<sup>23</sup> and other means.



### Working Washington and gig worker organizing

Working Washington which has strong ties to the Service Employees International Union<sup>24</sup> started by organizing to pass the first \$15 minimum wage mandate and now focuses on organizing gig economy workers in the Northwest. They use their political muscle to pass legislation putting more mandates on gig economy companies.<sup>25</sup> Several other worker centers such as Gig Workers Collective and Gig Workers Rising are also attempting to organize gig workers and have achieved large public relations wins with several news stories highlighting massive walkouts on May 1 (May Day) among delivery drivers during the COVID-19 pandemic.<sup>26</sup> The reports may have been more media hype than reality as one company noted there was “absolutely no impact” from the strikes.<sup>27</sup>



### Fight for 15 (Fast Food Forward)

Fight for 15 which also has strong ties to the Service Employees International Union<sup>28</sup> focuses on corporate campaigns against fast food franchises<sup>29</sup> and increasing the minimum wage to \$15 per hour.



### The Workers Defense Project

The Workers Defense Project, which has strong ties to the Service Employees International Union<sup>30</sup> and the AFL-CIO, is an Austin-based worker center focusing on the construction industry in Texas. The New York Times<sup>31</sup> bluntly calls the worker

center “a Union in Spirit.” The project has received funding from unions, foundations, and from a “Better Builder Program,”<sup>32</sup> which the politically connected organization lobbies local governments to require<sup>33</sup> or endorse. The City of Austin hosts Better Builder Certification standards on its website<sup>34</sup> which advertises, “To become Better Builder certified, please contact the Better Builder Program at Workers Defense Project” and includes contact information for the worker center. An Austin City Council resolution<sup>35</sup> “allows developers to pay premium fees in exchange for expedited permit review” and later mentions the certification.

## LEGISLATIVE AND REGULATORY EFFORTS TO SHOW WORKER CENTERS ARE UNIONS:

- **Department of Labor Letters**

After a two-year probe, the U.S. Department of Labor wrote a letter that determined a Minneapolis Worker Center that had pressured retailers to hire union janitors was actually a union.<sup>36</sup>

In August 2019, DOL wrote a letter to the Centro de Trabajadores Unidos en Lucha, or Center of Workers United in Struggle, informing them they would need to comply with the union transparency requirements of federal law.<sup>37</sup>

- **Congressional Letters and Legislation**

Republicans on the Education and Labor Committee have repeatedly written to the Department of Labor inquiring about worker center transparency requirements under the Labor Management Reporting and Disclosure Act (LMRDA).<sup>38</sup>

In 2018, Congressman Francis Rooney (R, FL-19) introduced the *Accountability for Represented Workers Act*, which would extend transparency requirements under LMRDA to worker centers.<sup>39</sup> Under the LMRDA, private sector unions itemize their finances and disclose officer and employee salaries among other things. The reports help union members and the public keep unions honest and reveal existing corruption.

## CONCLUSION

Worker Centers exist to organize workers and advance the political agenda of traditional labor unions. Their funding and ties to traditional labor unions, as well as their tactics, have caused many—including members of Congress—to accuse worker centers of being union front organizations.

From Congress to executive branch agencies, those responsible for protecting workers, job creators, and entrepreneurs are closely examining worker centers to ensure that, if they are unions, they are subject to the same transparency and accountability as traditional labor organizations.



## ENDNOTES

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